

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

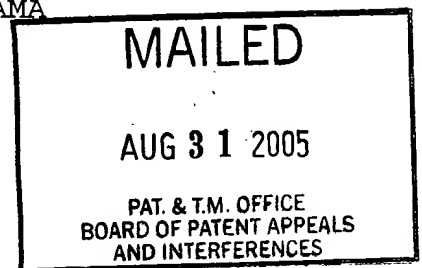
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TAKAAKI HIRAI, MINORU FUJISHIMA,
HIROYUKI UENO, HIDEYASU MATSUMURA,
IKUO MORIOKA, and SHINPEI NAKAYAMA

Appeal No. 2005-1555
Application No. 09/856,468

ON BRIEF



Before PAK, TIMM, and PAWLIKOWSKI, *Administrative Patent Judges*.
PAWLIKOWSKI, *Administrative Patent Judge*.

REMAND TO THE EXAMINER

A review of the record presently before us leads us to conclude that this case is not in condition for a decision on appeal. Accordingly, we remand the application to the Examiner, via the Office of a Director of the involved Technology Center, to consider the following issues and to take action not inconsistent with the views expressed herein.

The Examiner maintains only one rejection on appeal, the rejection of claims 1, 3-8, and 10-20 under 35 U.S.C. §103(a) over JP 08-174590 (Masahiro) in view of US 5,475,037 (Park). With

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regard to the Japanese document, the Examiner relies upon a translation generated by computer.

In order to properly review the rejection, it is of the utmost importance to have an English translation that reflects what is said in the original foreign document. Without such a translation, we cannot determine whether the underlying evidence supports the rejection. The computer generated translation falls short. A translation that reflects the disclosure of the original Japanese document using proper English is required before we can review the rejection on appeal.

The Examiner may also wish to re-evaluate whether the English Translation once obtained, of Masahiro, alone, makes obvious, the claimed subject matter.

CONCLUSION


In summary, the instant application is remanded to the Examiner to consider the aforementioned issues and to act accordingly.

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This remand to the examiner pursuant to 37 CFR § 41.50(a)(1) (effective September 13, 2004, 69 Fed. Reg. 49960 (August 12, 2004), 1286 Off. Gaz. Pat. Office 21 (September 7, 2004)) is made for further consideration of a rejection. Accordingly, 37 CFR § 41.50(a)(2) applies if a supplemental examiner's answer is written in response to this remand by the Board.

REMAND


CHUNG K. PAK
Administrative Patent Judge


CATHERINE TIMM
Administrative Patent Judge

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Beverly A. Pawlikowski
BEVERLY A. PAWLIKOWSKI
Administrative Patent Judge

BAP/sld

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